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Message Text

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21
ACTION ACDA-10

INFO OCT-01 IO-10 ISO-00 FEA-01 OES-03 SAJ-01 ERDA-05

AF-06 ARA-06 CIAE-00 DODE-00 EA-06 EUR-12 PM-03 H-01

INR-07 L-02 NASA-01 NEA-09 NSAE-00 NSC-05 OIC-02

SP-02 PA-01 PRS-01 SS-15 USIA-06 /116 W
---------- 051090
R 061429Z MAR 75
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC 5569
INFO AEC GERMANTOWN

LIMITED OFFICIAL USE IAEA VIENNA 1958

EO 11652: N/A
TAGS: IAEA TECH AORG OCON UR US
SUBJ: DISCLAIMERS ON IAEA PNE TECHNICAL COMMITTEE PROCEEDINGS

REF: STATE 38028

1. BEFORE WE TRANSMIT LETTER TO AGENCY AS INSTRUCTED REFTEL, BELIEVE IT IS NECESSARY TO POINT OUT THAT THERE ARE BROADER POLICY IMPLICATIONS INVOLVED, PARTICULARLY WITH RESPECT TO AGENCY PUBLICATION OF US TECHNICAL PAPERS IN MANY OTHER FIELDS.

2. AGENCY PANELS (NOW CALLED "TECHNICAL COMMITTEES"), EXCEPT WHEN OTHERWISE SPECIFIED, HAVE TRADITIONALLY BEEN MADE UP OF EXPERTS SERVING IN THEIR INDIVIDUAL CAPACITIES, AND VIEWS EXPRESSED BY THESE PERSONS HAVE ALWAYS BEEN RECOGNIZED AS NOT RPT NOT NECESSARILY REPRESENTING VIEWS OF SPONSORING GOVERNMENTS OR OTHER ORGANIZATIONS. THIS IS LONG-STANDING AND WELL KNOWN PRACTICE, WHICH AGENCY CONSIDERS OF GREAT IMPORTANCE IN FACILITATING BROAD AND FREE EXCHANGE OF SCIENTIFIC AND TECHNICAL INFORMATION IN
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ALL AREAS OF AGENCY'S PROGRAMS. DG IS LIKELY TO RESENT

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AND TAKE ISSUE WITH ANY ACTION WHICH COULD UNDERMINE THIS
FUNDAMENTAL PRINCIPLE OF AGENCY'S MODUS OPERANDI.

3. IF WE NOW INSIST ON INCLUSION OF SEPARATE DISCLAIMERS
ON EACH US PAPER PRESENTED AT PNE TECHNICAL COMMITTEE,
WHICH WILL BE PUBLISHED IN PROCEEDINGS OF MEETING (NOTE THAT
PUBLICATION WILL NOT BE AVAILABLE UNTIL OCTOBER OR NOVEMBER),
THIS WILL INEVITABLY RAISE QUESTION ABOUT STATUS OF PAPERS
PRESENTED BY US EXPERTS AT ALL OTHER AGENCY TECHNICAL MEETINGS
OF THIS NATURE. AGENCY WILL WANT TO KNOW IF OUR REQUEST
FOR INCLUSION OF DISCLAIMERS APPLIES ONLY TO THIS PARTICULAR
CASE OR WHETHER IT SHOULD BE TREATED GENERALLY. IF THE
FORMER, THIS WILL RAISE QUESTION AS TO WHY WE ARE SINGLING
OUT PNE PAPERS FOR THIS SPECIAL TREATMENT. (AGENCY HAS
ALREADY BROUGHT TO OUR ATTENTION RECENTLY PUBLISHED US
TECHNICAL PAPER ON RELATED SUBJECT BY LIVERMORE LAB SCIEN-
TISTS IN SCIENTIFIC PUBLICATION "NATURE" WHICH HAS NOT RPT
NO DISCLAIMER.) IF THE LATTER, AGENCY WILL WANT TO KNOW
WHEITHER PRESENTATIONS OF NON-GOVERNMENT OR NON-GOVERNMENT
CONTRACTOR PERSONNEL, E.G., ACADEMIC EXPERTS, ARE ALSO TO
INCLUDE SEPARATE DISCLAIMERS. IF SO, THIS COULD CREATE
PROBLEMS BETWEEN AGENCY AND INVITED US EXPERS FALLING IN
THIS CATEGORY, SINCE THEY MIGHT RESENT USG REQUIREMENT
TO IMPOSE A DISCLAIMER ON THEIR PRESENTATIONS, REGARDLESS
OF NATURE OF SUBJECT MATTER. IF DISCLAIMERS ARE NOT RPT NOT TO
BE INCLUDED IN SUCH CASES, THIS WOULD CREATE UNDESIRABLE
DISTINCTION, AS FAR AS AGENCY IS CONCERNED, BETWEEN
PRESENTATIONS OF GOVERNMENTAL AND NON-GOVERNMENTAL US
EXPERTS AT AGENCY TECHNICAL MEETINGS, BOTH OF WHOM ARE
INVITED TO PRESENT ONLY THEIR INDIVIDUAL VIEWS. NET
RESULT IS THAT DG AND OTHERS MAY INTERPRET OUR ACTION AS
AN ATTEMPT TO INHIBIT FREE EXCHANGES OF VIEWS AMONG WORLD
SCIENTISTS.

4. WE APPRCIATE SENSITIVITIES INVOLVED IN MOSCOW TTBT/
PNE NEGOTIATIONS, AND WE ARE AWARE OF POSSIBILITY THAT SOME
INDIVIDUALS OR STATES MIGHT BE TEMPTED TO QUOTE THINGS
FROM PAPERS PRESENTED AT IAEA MEETINGS WHEN IT SUITS THEIR
PURPOSE, IMPLYING THATTHEY ARE "OFFICIAL" VIEWS. WE
QUESTION, HOWEVER, WHETHER SPECIFIC DISCLAIMERS ON US
LIMITED OFFICIAL USE

PAPERS IN AGENCY PUBLICATION ARE GOING TO HAVE ANY EFFECT
ON RESOLVING THIS PROBLEM. ON OTHER HAND, IF DEPT IS
SERIOUSLY CONCERNED AT POSSIBILITY THAT SOVIETS MIGHT
MISUNDERSTAND US POSITION, BELIEVE WE COULD AVOID GETTING
INTO MUCH BROADER, COMPLEX AND TROUBLESOME ISSUES BY
SIMPLY SENDING SOVIET MISSION A LETTER MAKING CLEAR THAT
ONLY THE FLEMING STATEMENT AT RECENT PNE TECHNICAL COM-
MITTEE RELECTS USG VIEWS, AND THAT ALL OTHER US PRESENTATIONS

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SHOULD BE VIEWED IN LIGHT OF DISCLAIMER, WHICH WE COULD QUOTE. BELIEVE CONCERN OVER LIABILITY AND WARRANTY CAVEATS MENTIONED REFTEL COULD PROBABLY BE HANDLED BY SUITABLE REVISION OR ADDITION TO AGENCY'S GENERAL DISCLAIMER, WHICH, AS OF JANUARY 1, Q1975, WILL APPEAR AT THE BEGINNING OF ALL ITS PUBLICATIONS OF PROCEEDINGS OF TECHNICAL MEETINGS. SHOULD BE NOTED, HOWEVER, THAT US DISCLAIMER LANGUAGE DID APPEAR ON ALL COPEIS OF US PAPERS, EXCEPT FLEMING'S, PASSED OUT TO ALL PARTICIPANTS AT MEETING, INCLUDINT SOVIET EXPERTS ATTENDING. ACCORDINGLY, THAT MIGHT BE CONSIDERED SUFFICIENT TO MEET DEPT'S CONCERN RE POSSIBLE MISUNDER-STANDING ON THEIR PART.

5. IN SUM, MISSION WISHES A CAREFUL REVIEW OF THIS DIS-CLAIMER MATTER BEFORE WE SEND A LETTER TO THE DG. I WANT TO BE CERTAIN THAT WASHINGTON AGENCIES INVOLVED ARE FULLY AWARE OF BROADER IMPLICATIONS OF THIS ACTION. SINCE WE WOULD BE ERODING SOME BASIC PRINCIPLES IN ATTEMPTING TO SOLVE A SPECIFIC (AND HOPEFULLY SHORT-RANGE) PROBLEM, WE SHOULD REACH A SOLUTION IN A BROADER POLICY FRAMEWORK INSTEAD OF ONE WHICH APPEARS TO BE SINGLE-MINDEDLY CON-CENTRATING ON ONE PROBLEM--PNE-S.

6. IN OUR PREOCCUPATION WITH THE PNE ISSUE AND THE TTB TALKS, WE ARE IN DANGER OF LOSING PERSPECTIVE IN OUR RELA-TIONS WITH THE IAEA, CAUSING SERIOUS DAMAGE TO ONE OF THE AGENCY'S CARDINAL AND NECESSARY OPERATING PRINCIPLES, POSSIBLY OFFENDING THE WORLD SCIENTIFIC COMMUNITY, AND HIGHLIGHTING OUR SENSITIVITIES ON PNE SUBJECT MATTER IN A MANNER WHICH COULD, IN OUR VIEW, BE DISRUPTIVE RATHER THAN HELPFUL.PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, PUBLICATIONS, PEACEFUL NUCLEAR EXPLOSIONS, COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975IAEAV01958
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750079-0771
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750377/aaaacriz.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 38028
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 02 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 APR 2003 by KelleyW0>; APPROVED <02 APR 2003 by GolinoFR>
Review Markings:

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US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DISCLAIMERS ON IAEA PNE TECHNICAL COMMITTEE PROCEEDINGS
TAGS: TECH, AORG, OCON, UR, US, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006